

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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MICHELLE BEEBE,

Plaintiff,

v.

WILLIAMS COLLEGE,

Defendant.

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Civil Action No. 05-30182

**DEFENDANT’S PROPOSED VOIR DIRE QUESTIONS**

Defendant Williams College (the “College”) requests that the following *voir dire* questions be put to the prospective jurors. If any prospective juror answers any of the following questions in the affirmative, the College requests the opportunity to propound appropriate follow-up questions.

**Knowledge of the Parties**

1. The Plaintiff in this case is Michelle Beebe. Prior to marriage, she was known as Michelle Boucher. Do you know Michelle Beebe?
2. The Defendant in this case is Williams College.
  - (a) Have you ever been employed by or do you know anyone who ever has been employed by Williams College?
  - (b) Have you, or has anyone close to you, ever applied for employment at Williams College?
  - (c) Have you, or has anyone close to you, ever attended Williams College as a student?

- (d) Have you, or has anyone close to you, ever had any dealings of any kind with Williams College?

**Knowledge of the Parties' Attorneys**

3. The Plaintiff's attorney is Thomas McCormick with the law firm of Heisler, Feldman & McCormick PC located in Springfield, Massachusetts.

- (a) Do you know Mr. McCormick?
- (b) Do you know either Mr. Hugh D. Heisler or Mr. Joel H. Feldman?
- (c) Have you, or has anyone close to you, had any dealings with Mr. McCormick, Mr. Heisler, Mr. Feldman or the law firm of Heisler, Feldman & McCormick, PC?
- (d) Have you, or has anyone close to you, ever been involved in a lawsuit or other legal matter in which Mr. McCormick, Mr. Heisler, or Mr. Feldman represented any of the parties?

4. The Defendant in this case, Williams College, is represented by Judy Malone and Patricia Mullen, who was formerly known as Patricia Higgins. Ms. Malone and Ms. Mullen are with the law firm of Edwards Angell Palmer & Dodge LLP located in Boston, Massachusetts.

- (a) Do you know Ms. Malone or Ms. Mullen?
- (b) Have you, or has anyone close to you, had any dealings with Ms. Malone or Ms. Mullen, or any other attorneys at Edwards Angell Palmer & Dodge?
- (c) Have you, or has anyone close to you, ever been involved in a lawsuit or other legal matter in which Ms. Malone or Ms. Mullen or any other

attorneys at Edwards Angell Palmer & Dodge represented any of the parties?

**Knowledge of Other Jurors**

5. Before today, were you acquainted with any of the members of this jury panel?

**Knowledge of the Witnesses**

6. During the trial of this case, some or all of the following people may be called to testify as witnesses, either in person, or through the introduction of their deposition or an affidavit:

- (a) Michelle Beebe of Clarksburg, Massachusetts
- (b) David Beebe of Clarksburg, Massachusetts
- (c) Martha Tetrault of Williams College in Williamstown, Massachusetts
- (d) Kris Maloney of Williams College in Williamstown, Massachusetts
- (e) Beatrice Miles of Williams College in Williamstown, Massachusetts
- (f) Peter Mason of Williams College in Williamstown, Massachusetts
- (g) John Rose of Pownal, Vermont
- (h) Brent Siciliano of North Adams, Massachusetts
- (i) Heather (last name unknown) of the Berkshire Commons Nursing Home in North Adams, Massachusetts
- (j) Nancy L. Segreve of the Occupational Resource Network in Andover, Massachusetts
- (k) Craig L. Moore, Ph.D. of Northampton, Massachusetts
- (l) Fred Landes, M.D., of the North Adams Regional Hospital in North Adams, Massachusetts
- (m) William H. Kober, M.D. of the Northern Berkshire Family Practice in North Adams, Massachusetts
- (n) Aaron B. Waxman, M.D., Ph.D. of the Massachusetts General Hospital in Boston, Massachusetts

- (o) Michael L. Gerrity, M.D. of the Ambulatory Care Center in North Adams, Massachusetts
- (p) Stephen Payne, M.D. of the Northern Berkshire Family Practice in North Adams, Massachusetts

Do you know any of these individuals?

**Knowledge of or Interest in This Case**

7. The Plaintiff in this case is claiming that the Defendant, Williams College, acted wrongfully in disciplining her and eventually in terminating her employment due to excessive absenteeism. Plaintiff claims she should not have been disciplined or terminated as some of her absences were protected under the Family Medical Leave Act. Defendant denies that her absences were protected under the Family Medical Leave Act and states that it was entitled to discipline and terminate an employee who exhibited such poor attendance. Before today, had you heard anything at all about this case?

8. Do you have any financial or other interest in the outcome of this case?

**Bias Concerning the Issues or Parties in This Case**

9. Do you believe that you or anyone close to you ever has been treated unfairly by an employer with respect to attendance or accommodating child care issues?

10. Have you ever sued or considered suing any employer?

11. Has anyone close to you ever sued or considered suing his or her employer?

12. Have you, or has anyone close to you, ever been terminated, fired or laid off from a job for what you felt was an unjust reason?

13. Have you ever worked in the field of personnel or human resource management?

14. Do you have children? If so, do your children attend daycare?

15. Have you ever worked as a janitor or custodian?

16. Have you, or has anyone in your family, ever been treated for depression?

17. Do you, or does anyone in your family, have asthma?
18. Do you, or does anyone in your family, smoke?
19. Do you have any general feelings about employers or employment cases that would prevent you from being a completely fair and impartial juror in this case?
20. The Plaintiff in this case is an individual, while the Defendant in this case, Williams College, is an educational institution. Do you have any beliefs or opinions concerning educational institutions that might prevent you from being a fair and impartial juror in this case, or that might prevent you from treating the College just as you would an individual?

**Experience With and Views of the Judicial System**

21. If you ever have served as a juror or witness in any case, do you believe that experience might affect your ability to be a fair and impartial juror in this case?
22. Have you ever been a plaintiff or a defendant in any case?
23. Have you ever been a party in any criminal case?
24. Do you have any opinion, good or bad, about the role expert witnesses play in a trial?
25. Do you believe that the judicial process is not a fair one?
26. Do you have an unfavorable impression of our legal system?

**Ability and Willingness to Follow the Law and the Judge's Instructions**

27. Would jury service in this case conflict with your religious beliefs or activities?
28. If you serve as a juror in this case, you will be required to decide this case based on the law as given to you by the Judge and you will be required to abide by any other instructions that the Judge gives to you. Do you have any reason to believe that you would be

unable or unwilling to apply the law as the Judge instructs you, or to follow any other instructions the Judge gives to you?

29. Anyone can file a lawsuit and the mere fact that the Plaintiff has filed this lawsuit does not necessarily mean that she is entitled to recover money damages. If the facts and the law, as the Judge instructs you to apply it, dictate that the Plaintiff should not recover any damages in this case, do you believe you might be unwilling or reluctant to render a verdict that results in no recovery for the Plaintiff?

**Miscellaneous**

30. Is there any reason why you may not be able to hear or understand the testimony in this case?

31. Is there any reason why you might not be able to see or read any exhibits that might be shown to the jury in this case?

32. Is there any reason why you may not be able to return a fair and impartial verdict in this case?

33. Is there anything else you think the Court should know about you or your ability to be a fair and impartial juror?

Respectfully submitted,  
Williams College  
By its attorneys,

/s/ Patricia M. Mullen

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Judith A. Malone (BBO #316260)  
Patricia M. Mullen (BBO # 663318)  
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Dated: July 2, 2007

CERTIFICATE OF SERVICE

I hereby certify that this document has been filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Patricia M. Mullen